IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2458 OF 2005

Shri.Suresh Bhalchandra
Deshpande and Ors. ..Petitioners

Vs.

Prabhakar Balkrishna Thombre
& Anr. ..Respondents

...

Mrs.Teja Katdare i/b Ms.Alpa Javeri
Advocate for Petitioners
Mr.B.H.Mehta, A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : OCTOBER 24, 2005**

**P.C.**

1. Leave to amend granted. Amendment to be carried out forthwith.

2. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

3. The petitioners are seeking quashing of process issued by the learned Judicial Magistrate F.C. Indapur in OMA No.548 of 2004 (CC No.RT 32/2005).

In the said case process was issued against the applicant under Sections 420, 465 r.w. 34 of IPC.

4. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within five weeks from today. I am informed that the next date before the trial Court is 8.11.2005. In view of this statement, the trial Court shall not proceed with the trial on 8.11.2005 and for a period of three weeks thereafter.

6. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]